

10/758,072

**REMARKS/ARGUMENTS**

This amendment is being made within two months of the Office Action mailed on March 19, 2007, which was made Final.

Claims 1 – 21 are pending in this application. Claims 1, 2, 9, 10, 17 and 18 stand rejected under 35 USC 102(e) as being anticipated by US 2004/0113945 to Park et al. Various claims stand rejected under 35 USC 103 (a) as being unpatentable over Park et al. in view of Houri, Broussard and Coden.

**§102 Rejection of the Claims**

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, “[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (*emphasis added*). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP ‘ 2131.

The present invention is web based system from graphical searching over the internet to locate unique items offered by sellers and sought by buyers of designs, furnishings and accessories. The invention employs a “pairing method” for items offered by sellers and sought by buyers. The site does not work according to current search engine algorithms. It does not go out and “search” among all the existing web sites. Instead, it pairs common selections between buyer and seller within a “closed” system with no relationship to the outside internet. It simply runs on the internet as a sole and independent site.

10/758,072

The invention is not a “build” site meaning that its goal is not the creation of anything new, but the identification of an existing object using visual cues.

Both a buyer and a seller act proactively to use images to communicate with one another. The invention technology is a “system” or “pairing method” that supports an online marketplace in which the images are the “language” of communication. Unlike the purchase of certain known items such as cars, which have a publicly known and recognized lexicon of names, styles, marks, models and options to guide a buyer, industries such as furniture, clothing, ceramics, etc. have no recognized language. These unique item types must rely on descriptions that appeal either to the subjective knowledge or emotional need of the buyer, which can only be approximated.

The present invention uses graphics that are drawn to “generalize” basic characteristics across a timeline of style so that multiple variations of the same design can be represented and referred to through the use of one image.

The cited art to Park et al. is a catalogue directory of items which are options for purchase or “building” a chair or designing office space. It is a one way communication whereby the buyer is doing all the communicating and using the seller's list of options. The cited prior art to Park et al. shows a system and method to provide custom furniture for buyers over the internet. A graphical user interface provides displaying, navigating and selection from a listing of possible styles, layouts and material for the creation of custom furniture and office space. While offering a buyer the options being offered by the seller, it is not providing a two-way communication being the buyer of what he really prefers, but only a listing of what the seller has for options in his Herman Miller furniture collection. In no way does Park et al. show, teach or suggest the present system and method of aggregating buyers and sellers of unique existing items over the internet.

In contrast the present invention is about using icons that are drawn to “generally represent” stylist variations among a virtually infinite variety of furniture or accessory forms. The inventive application is about a dynamic “language” of communication—like a code breaker, so two parties with no common language can communicate.

10/758,072

*§103 Rejection of the Claims*

Various claims have been rejection as unpatentable over the reference to Park as well as in view of Houri, Broussard and Coden.

The cited art to Houri (US 2004/0199623) shows a system can be used to locate geographic locations of online users. While dependent claims of the present invention address determination of distance between buyers and sellers, the cited art only shows enablement for these claimed features.

The cited prior art to Broussard (US 2004/0019528 A1) discloses a systems for aggregating buyers according to geographical area such as by zip code. While the present invention has the capability of organizing its search results according to zip code, in no way does Broussard teach or suggest the use of a graphical library for web based searching.

USP 5,873,080 to Coden discloses a search engine having query capability. The capabilities are text based. While text base searching is an additional feature of the present invention, in no way does Coden teach or suggest the use of a graphical search library as claimed in the instant application.

The present invention allows both buyer and seller to choose several images to approximate what he/she wishes to trade. The inventive system and method presents the results based on the number of matched characteristics. At the core of the invention is the ability to "translate" 3-dimensional objects into images drawn to represent their basic characteristics. In doing so parties are able to communicate in an online marketplace where such images are used as recognized markers between buyers and sellers.

Claim 1 has been amended to incorporate the paring method running within a database used to match unique existing items offered by sellers to buyers. The graphics are specified to be representative of stylist components of an item and not exact drawing

10/758,072

of an item. The invention is not a "build" site, but an identification site for existing objects using visual cues.

Method claim 9 as amended is now in condition for allowance. The claim specifies that both seller and buyer use the same image library for describing unique items for trading over the internet.

Applicant contends that the computer program product of claim 17 is allowable.

The remaining claims, depending for the allowable independent claims, they too are in condition for allowance.

### CONCLUSION

Applicant respectfully submits that none of the cited art shows teaches or suggests the present invention. Applicant is again unaware of any need for a new search of the relevant art.

Having addressed all of the objections/rejections made by the Examiner, the claims are in condition for allowance and a notification to that effect is earnestly solicited. The Examiner is invited to telephone Applicant's attorney at 703-367-2128 to facilitate prosecution of this application.

Respectfully Submitted,

Dated: Monday, May 21, 2007

By: 

Mark A. Wurm

Reg. No. 31,682

Tel.: (703) 867-8334 (Cell)

6600 Ladyslipper Lane

Clifton, Virginia 20124